

TOWNSEND and TOWNSEND and CREW LLP

By: /Dianna L. Smith/
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Michael J. Michelsen et al.

Application No.: 10/806,484

Filed: March 22, 2004

For: Equipment To Facilitate Money
Transfers Into Bank Accounts

Customer No.: 20350

Confirmation No.: 2784

Examiner: Olabode Akintola

Art Unit: 3691

PRE-APPEAL BRIEF
REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Applicants request review of the final rejection for the above-identified application. A Request for Reconsideration after final was filed on August 8, 2008. No amendments to the claims are being filed with this request.

This request is being filed with a Notice of Appeal.

The review is requested for the reasons stated herein.

REMARKS/ARGUMENTS

Claims 1-20, 25 and 26 stand rejected under 35 U.S.C. § 102(b) as being anticipated by the cited portions of U.S. Patent Publication No. 2002/0077971 to Allred (“Allred”).

Claims 21, 23, 24, 27, 29 and 30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Allred in view of the cited portions of U.S. Patent Publication No. 2001/0051923 to Kosuda (“Kosuda”).

Claims 22 and 28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Allred in view of Kosuda in view of the cited portions of U.S. Patent Publication No. 2005/0097050 to Orcutt (“Orcutt”).

The Applicants respectfully request review of the pending rejections for the reasons stated herein.

Rejections Under 35 U.S.C. § 102

The Applicants respectfully request review of the claim rejections under 35 U.S.C. § 102, since the cited reference does not teach all claim elements either expressly or impliedly, as required for a proper rejection under 25 U.S.C. § 102. Specifically, all independent claims recite “receiving at a host computer system from a point of sale device transactional information that includes information on a bank account that is to receive the money” or a similar element. Allred does not teach this. Directing attention specifically to ¶[0014], Allred states “[a]lso on a daily basis, and based on the depositor’s personal information stored in a membership database that includes his specified destination for the deposited money (i.e., the target foreign country, target foreign bank, and target private account wither the transferred money is to be deposited), . . .” Hence, according to Allred’s teaching, the depositor must have a pre-existing relationship. More importantly, as part of that pre-existing relationship, the depositor has supplied the bank account to which deposits are to be deposited. Allred, therefore, does not teach receiving the account number from a point-of-sale device.

The final Office Action attempts to address this with reference to what “one of ordinary skill in the art” would recognize in light of “standard banking practice.” This appears to be recognition that the reference does not expressly or impliedly teach the claim elements. Moreover, the skilled artisan would readily recognize that depositing money into one’s own account by a teller at a bank is not transferring money directly to the account of another. Hence, the context for this imported knowledge is different from the context of the claim. Claims 1, 5, 11, 14, 18 and 25 are, therefore, believed to be allowable, at least for this reason.

Claims 18 and 25 are believed to be allowable for the additional reason that Allred does not teach “incorporating the account number, bank name and location into a transaction identifier.” The record cites the same location in Allred, but there is nothing in the cited passage remotely resembling incorporating the account number into a transaction identifier. The pending Office Action attempts to address this, again with reference to “standard banking practice” and without recognition of the claimed invention relating to money transfer. Hence, claims 18 and 25 are believed to be allowable, at least for this additional reason.

Claim 3 has been amended to more particularly point out and distinctly claim the Applicants’ claimed invention, the support for which may be found at, for example, ¶[0034], among other locations. The cited references do not teach or suggest “[a] method as in claim 1, wherein the intermediary computer system comprises an international bank computer system having regional banks, wherein the request to deposit the money passes from one of the regional banks and into the local banking network, and wherein a transaction identifier incorporating an account number of the bank account that is to receive the money is indicative of the local banking network” as recited in claim 3. The record cites ¶¶[0012]–[0015] of Allred for this. Neither at this location nor anywhere else, however, does Allred teach the claim element recited above. Hence, claim 3 is believed to be allowable, at least for this additional reason.

The remaining claims depend from one of the independent claims discussed above and are believed to be allowable, at least for the foregoing reasons.

Conclusion

In view of the foregoing, the Applicants respectfully request withdrawal of the rejections and issuance of a formal Notice of Allowance.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

Date: September 11, 2008

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